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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,571

08/05/2005

Shigenori Nakano

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EXAMINER

MESH, GENNADIY

ART UNIT

PAPER NUMBER

1711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/27/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/544,571

Applicant(s)

NAKANO ET AL

Examiner

Gennadiy Mesh

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Response to Amendment filed on October 27,2006.

The rejection have been maintained, but altered in view of amendment Claims filled by Applicant.

Claim Rejections - 35 USC § 102

1. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamoto (US 4,968,752).

1.1. Regarding Applicant's Claims 1 and 2 Kawamoto discloses thermoplastic composition, obtained by melt blending, comprising (see abstract, claim 1):

- a). 90 – 99.5 wt.% of ionomeric copolymer of ethylene with carboxylic acid, wherein (see lines 30- 35, column 3) from about 5 to 90% of carboxyl groups is being neutralized with metal ions, including divalent metal ions (zinc or calcium, see lines 10-15, column 3).
- b). 0.5 - 10 wt.% of a copolymer of ethylene with glycidylacrylate or glycidylmethacrylate (see lines 43 – 53,column 3).
- c). 5 to 200 parts by weight of olefin type polymer, wherein propylene/alpha-olefin copolymers (see lines 5- 12,column 7) can be present in 5 to 80 parts by weight of component c) – that represent about 1 to about 40 parts by weight of propylene/alpha-olefin copolymer in composition.

1.2. Regarding Applicant's Claim 3, Kawamoto discloses that ionomer based composition (see lines 35-45, column 3), could be prepared by melt blending (see lines 3-15,column 9).

1.3. Regarding Applicant's Claims 4-11 Kawamoto discloses laminate, wherein ionomer composition used for forming embossed layer and propylene based foam used as a substrate(see lines 20 –40,column 10).

Claim Rejections - 35 USC § 103

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being unpatentable over Dawson (US 5,206,294) in view of Kawamoto(US 4,968,752).

Regarding Applicant's Claims 1 and 2 Dawson discloses thermoplastic composition, obtained by melt blending, comprising (see claim 1):

- a). 20 – 60 wt.% of ionomeric copolymer of ethylene with carboxylic acid, wherein (see lines 40 – 50, column 2) from about 35 to 70% of carboxyl groups is being neutralized with metal ions, including divalent metal ions (zinc or calcium , for example).
- b). 1-5 wt.% of a copolymer of ethylene with glycidyl acrylate or glycidylmethacrylate.
- c).10 –40 wt. % of propylene, including copolymers with alpha-olefins(see lines 15 – 25,column 2)
- d). 15 – 50 wt.% of ethylene propylene copolymer.

Dawson discloses ionomer based composition for production films or sheets by calendaring with content of ionomer not more than 60 wt%.

However, compositions with higher ionomer and other ingredients as copolymer of ethylene with glycidylmethacrylate and olefin type polymer, containing propylene/alpha-olefin copolymer, disclosed by Kawamoto (see paragraph 1 above).

Kawamoto teach that ionomer has excellent scratch resistance and impact strength at cold temperature (line 15 – 20, column 1) and discloses composition with content of ionomer higher than 90 wt.%.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention increase content of ionomer in composition disclosed by Dawson to about 90 wt.% as thought by Kawamoto in order to obtain composition with excellent scratch resistance and impact strength at cold temperature.

Regarding Applicant's Claim 3, Dawson discloses that composition (see lines 35-45, column 3), could be prepared by melt blending, wherein various(some) ingredients may be first combine by dry blending(in pellet form) or by metering into different zones of melt mixing equipment(extruder) or may be divided and blended in one or more passes into separate sections of mixing equipment.

Regarding Applicant's Claims 4-11 Dawson further discloses (see lines 50 –55, column 3) that composition may be molded into any shaped article, including films(sheets) and used as a skins for laminates (multi-layer structure) such as automotive instrument panel or other articles(see lines 5-20, column 1) such as door panels or roof liners, which could have foamed layers.

Response to Arguments

Applicant's arguments with respect to claim 1-11 have been considered but are moot in view of the new ground(s) of rejection. New ground of rejection were introduced due to amendment of claim 1, made by Applicant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gennadiy Mesh whose telephone number is (571) 272 2901. The examiner can normally be reached on 8a.m - 4 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gennadiy Mesh
Examiner
Art Unit 1711


James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700

GM 12/13/06